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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,479	12/13/2001	Georg Wurm	60,130-1303; 01MRA0194	3653
26096	7590	12/08/2004		
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
			EXAMINER JIMENEZ, MARC QUEMUEL	
			ART UNIT 3726	PAPER NUMBER

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,479

Applicant(s)

WURM ET AL.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,16,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/04 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 19** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 19 recites “configured to prevent intrusion of other vehicles into a vehicle”. This limitation is new matter because although the beam damps impact from another car, the beam cannot fully stop a vehicle from intrusion into the vehicle because of the very high impact speeds that vehicles can create. The intrusion beam would deform at impact, therefore, another vehicle would intrude into the vehicle.

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4. **Claim 19** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation “configured to prevent intrusion of other vehicles into a vehicle” is non-enabling because the beam cannot fully stop another vehicle from intrusion into the vehicle because of the very high impact speeds that vehicles can create. The intrusion beam would deform at impact therefore, another vehicle would intrude into the vehicle.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1, 5-8, 16, 17, 19, and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (4,866,883).

Regarding claims 1, 16, and 17, Brown et al. teaches a method of assembling a door, comprising the steps of: A) providing a door inner panel **22** having an outer face **26,23,112** and an inner face (the side opposite the outer face), at least one functional component **30** of a door, an anti intrusion beam **106**, and a door outer panel **24**; B) assembling the at least one functional component **30** onto the outer face **26**; C) assembling the anti intrusion beam **106** onto the outer

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face **112**; D) assembling the door outer panel **24** towards the outer face **23**; and E) securing by fixing the door inner panel **22**, the at least one functional component **30**, the anti intrusion beam **106** and the door outer panel **24** relative to each other; F) wherein step B) precedes step C), which precedes step D); and wherein the at least one functional component comprises at least one of a window regulator assembly, a loudspeaker and a latch assembly. Step B) is considered to precede step C) because as shown in figure 1, the functional component **30** is assembled onto the outer face of the inner panel **22**. Step C) is considered to precede step D) because the anti intrusion beam **106** is first engaged or “assembled” to the inner panel **22** by engaging with **112** and then the door is assembled to the door inner panel by using fasteners (col. 4, lines 17-20). Because the shape of the opening **112** is concave, as the portion **108** of the beam **106** is half way inserted in the depression **112**, it is considered to meet the limitation “assembling the anti intrusion beam onto the outer face” because the beam is engaged with the inner panel. As the outer panel **24** is moved further closer to the door inner panel **22** and by the use of “detachable attachments” described in col. 3, lines 46-47, this is considered to meet the limitation “assembling the door outer panel towards the outer face” because as the fasteners are tightened, the outer panel is in tighter contact with the inner panel and the protrusions **100** are forced deeper into the openings **102**.

Regarding claims 5-7, note the fixing element **100**.

Regarding claim 8, note that the attachment is non destructively releasably fixed (col. 3, lines 46-47).

Regarding claim 20, note the leading and trailing edges of the inner door panel **22** along with the waist line and bottom edge as shown in figure 1.

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7. **Claim 4** is rejected under 35 U.S.C. 102(b) as anticipated by Brown et al. or, in the alternative, under 35 U.S.C. 103(a) as obvious over Brown et al. in view of Herringshaw et al. (4,800,638).

It is inherent that the inner panel of Brown et al. would have a trim panel because door typically have trim panels for aesthetic effects. However, Brown et al. do not specifically show the inner face of the inner door panel.

Herringshaw et al. teach a trim panel **16** for the interior of the door.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Brown et al. with a trim panel, in light of the teachings of Herringshaw et al., in order to provide the inner surface of the inner door panel with a protective covering.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 4-8, 16, 17, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

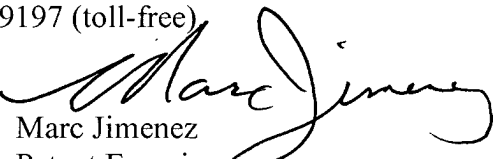
Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number (571) 272-4530. The examiner can normally be reached on Monday-Friday between 5:30 a.m.-2:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 273-4530. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)


Marc Jimenez
Patent Examiner
AU 3726

MJ December 3, 2004